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A2003009

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of MJM Telecom Corp. for a Certificate of)
Public Convenience And Necessity to Provide)
Full Facilities-Based and Resold Local Exchange)
Service in AT&T California, Frontier Communications,)
and Consolidated Communications Local)
Exchange Areas, and IntraLATA and InterLATA)
Interexchange Telephone Service Statewide)
_____)

Docket - _____

**APPLICATION OF MJM TELECOM CORP. FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY AND REQUEST FOR EX PARTE RELIEF**

Kristopher E. Twomey
Law Office of Kristopher E. Twomey, P.C.
1725 I Street, NW, Suite 300
Washington, DC 20006
Telephone: 202.681.1850
Facsimile: 202.517.9175
kris@lokt.net

Counsel for MJM Telecom Corp.
March 10, 2020

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of MJM Telecom Corp. for a Certificate of)
Public Convenience And Necessity to Provide)
Full Facilities-Based and Resold Local Exchange)
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and Consolidated Communications Local)
Exchange Areas, and IntraLATA and InterLATA)
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**APPLICATION OF MJM TELECOM CORP. FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY AND REQUEST FOR EX PARTE RELIEF**

MJM Telecom Corp. hereby offers the following information in order to receive a certificate of public convenience and necessity (“CPCN”) to provide full facilities-based and resold local exchange services, as required by California Public Utilities Code §1001, and pursuant to D.13-05-035 and its cited rule numbers in Appendix A, in all AT&T California; Frontier Communications, and Consolidated Communications incumbent local exchange areas as well as intraLATA and interLATA interexchange telephone service statewide.

I. IDENTIFICATION OF APPLICANT (per Rule 2.1(a))

MJM Telecom Corp. (“MJM”) was organized as a California corporation on December 20, 2015 and currently does business as Accel Wireless. Its Articles of Incorporation issued by the California Secretary of State are attached as Exhibit A. Also attached in Exhibit A is a Certificate of Good Standing from the California Secretary of State stating that it is qualified to transact business in the State of California. Its principal place of business is 26111 Ynez Road,

Suite B-21, Temecula, Ca 92591. Its local customer service telephone number is 951 326-8901 and website is accelwireless.com.

II. CORRESPONDENCE OR COMMUNICATIONS (per Rule 2.1(b))

All communications, correspondence and pleadings with respect to MJM should be directed to its outside counsel, who is:

Kristopher E. Twomey
Law Office of Kristopher E. Twomey, P.C.
1725 I Street, NW, Suite 300
Washington, DC 20006
Telephone: 202 681-1850
Facsimile: 202 517-9175
Email: kris@lokt.net

with a copy to:

Martin A. Moreno
26111 Ynez Road, Suite B-21
Temecula, Ca 92591
Telephone: 951 326-8901
Email: martin@accelwireless.com

Notices, orders and other papers may be served upon these persons, and such service shall be deemed to be service upon the Applicant. Commission staff should contact these persons to resolve customer complaints.

III. DESCRIPTION OF SERVICE; SERVICE AREA AND RATES (per Rule 3.1(e))

MJM seeks to enter the California market as a provider of local and interexchange service, as well as switched access service, local and long-distance resale, advanced services and ultra-high-speed broadband Internet access. MJM requests authority to offer local exchange and intrastate interexchange service in all exchange areas served as the incumbent local exchange carrier by AT&T California, Frontier Communications, and Consolidated Communications.

Initially, MJM will focus on the provision of ultra-high-speed broadband at speeds of 1 GB/second download for residences, businesses, and municipal entities. Upon approval of this application, MJM will request the initiation of negotiations for interconnection agreements with AT&T California and other relevant incumbent local exchange carriers. After establishing the customer base and determining demand for regulated telephony, MJM will either order resold DSOs for specific applications or obtain the necessary switching facilities to provide for time division multiplexed (“TDM”) traffic.

The Commission may issue a CPCN upon the applicant’s declaration that it is a telephone corporation and intends to offer services and operate in a fashion that brings it within the Commission’s jurisdiction.¹ The facilities MJM plans to deploy place it squarely within the definition of a telephone corporation in California, consistent with Public Utilities Code §234(a), and MJM represents that it meets the definition of a telephone corporation subject to the Commission’s jurisdiction, and therefore is eligible to receive a CPCN.²

MJM will also provide broadband transport using fiber optic technology deployed under the requested full facilities-based authority in combination with leased fiber optic facilities. Most likely, communications carried over MJM’s facilities will be transmitted in Internet Protocol (“IP”). However, while capable of carrying IP communications, the facilities will be protocol agnostic and can be offered either on a dark fiber or lit basis (i.e., providing lightwave capacity using, for example, DWDM technology). In these instances, the customer would

¹ D.15-05-028, In the Matter of the Application of Bright Fiber Network, LLC for a Certificate of Public Convenience and Necessity to Provide Full Facilities Based and Competitive Local Exchange Access and Interexchange Services within California and specifically, within Nevada County, at 6 (May 12, 2015).

² A telephone corporation is defined as “every corporation or person owning, controlling, operating, or managing any telephone line for compensation within this state.”

determine the transmission protocol whether it be a cellular provider, an internet service provider, or a commercial or municipal customer.

In addition, the jurisdictional classification of those services, as with all special access services, would be determined by the customer, based on the percentages of intrastate and interstate traffic to be carried on the facilities. The company may also provide finished networking services using fiber optic technology deployed through full-facilities authority in combination with using leased fiber optic facilities. Such services would most likely be provided using IP-enabled technology.

Broadband facilities installed by MJM will support transmission of Voice over Internet Protocol (“VoIP”) communications, the same as any other IP-based communications. Whether or not a particular facility is used for VoIP will depend largely on the customer. Where a customer seeks interconnectivity to the PSTN, the facilities for which the expanded authority is requested could be used for interconnection trunking to an intercarrier IP interface, to an IP-to TDM gateway, or from a gateway to a traditional intercarrier point of interconnection (“POI”) or an access tandem.

MJM would greatly enhance its ability to serve customers if it obtains a certificate to operate as a competitive local exchange carrier (“CLC”). MJM will install its transmission equipment on or in existing infrastructure such as utility poles and conduit wherever possible. MJM will be required to place its own fiber-housing infrastructure if there are no commercially reasonable options using existing infrastructure. Obtaining a CPCN will ensure that MJM has access to the necessary public rights of way and utility poles on a nondiscriminatory basis as a carrier under Section 253 of the Telecommunications Act of 1996.

In addition, there may be instances in which MJM could more economically and efficiently use existing conduit or other structure access facilities owned by incumbent local exchange carriers (“ILEC”) such as AT&T California. This will also reduce the environmental impacts of the project. To access ILEC structures, MJM must enter into an interconnection agreement (“ICA”) with the ILEC. MJM understands it is the policy of all ILECs to reject applications for ICAs unless the applicant is a certificated CLC. Therefore, MJM requires a CPCN in order to enter into negotiations for ICAs with ILECs.

The voice traffic transported on MJM’s network may include calls originated in TDM or Internet Protocol (“IP”) format. Some voice services may originate as IP but then must be converted to TDM in order to complete the calls to their intended recipients via trunks connected to ILEC access tandems. MJM understands that use of IP-based technology is not a bar to receiving a CPCN because the Commission has issued CPCNs to other CLECs using IP-based technology to provide voice and data. MJM understands and acknowledges that its services will be subject to the Commission’s jurisdiction regardless of the underlying technology used to provide its services.

Although MJM is requesting the Commission waive its tariff requirements as it will not be providing regulated services to residential customers, Applicant understands and acknowledges that it must abide by the Commission’s rules, including those regarding posting of service information on its website and compliance with applicable consumer protection rules.

Consistent with the requirements of D. 95-07-054 and subsequent decisions in the Local Competition Docket, as well as D.94-09-065 regarding long distance intraLATA services and other relevant Commission decisions, MJM proposes to offer the following services.

1. Local Exchange Telephone Service

MJM proposes to offer business end users the opportunity to originate and terminate calls to other end users with access to the local exchange network. The local exchange services MJM proposes to provide will also enable end users to select the long-distance carrier of their choice. MJM seeks full facilities-based and resold authority to provide local exchange services.

In accordance with Decision Nos. 95-07-054 and 97-09-115, MJM proposes to offer local exchange services by purchasing unbundled network elements from incumbent local exchange carriers and may resell the services of other certificated carriers. Even with the migration to voice over internet protocol telephony, traditional TDM circuit switched service is still important for providing some services such as fax, security services, and telephone lines for elevators. MJM will likely choose to purchase resold telephone lines from the incumbent local exchange carriers for these purposes. However, depending on customer demand, MJM may decide to collocate in incumbent local exchange carrier central offices and/or carrier hotels, and will order trunk lines when and where needed to access tandems to carry MJM's customer traffic. MJM may also use ILEC collocation and purchase DS0 loops in order to provide ethernet over copper services along with POTs for commercial customers within a short distance from the central office.

2. Long Distance IntraLATA and InterLATA Intrastate Telephone Service

MJM intends to offer long distance services—both intra and interLATA—to business customers through the purchase of unbundled network elements and the resale of services of other certificated carriers, and in combination with MJM's collocated facilities. MJM will use the "2-PIC" method allowing customers the ability to choose different intraLATA and interLATA carriers.

3. Switched Access Service

This service will allow interexchange carriers to interconnect on a switched and dedicated basis with the local exchange network to originate and terminate calls on MJM's network.

IV. ARTICLES OF INCORPORATION AND CERTIFICATE OF GOOD STANDING (per Rule 2.2)

MJM filed its initial articles of incorporation in California on December 20, 2015. The articles and a certificate of status issued by the California Secretary of State are attached as Exhibit A. Also attached as Exhibit A is a certificate of good standing issued by the California Secretary of State. This qualifies MJM to transact business in the State of California.

V. DESCRIPTION OF PROPOSED CONSTRUCTION (per Rule 3.1(a))

In most cases, MJM will operate by installing aerial fiber and related equipment in or on existing poles, towers, buildings, fiber, conduits, ducts, rights-of-way, trenches and other facilities and structures of other entities. Such activities are consistent with those that the Commission has found are permitted within "limited" facilities-based authority, and do not require additional California Environmental Quality Act ("CEQA") review by the Commission or its staff.³

In other cases, MJM may undertake relatively minor ground-disturbing activities primarily in existing, well-used rights-of-way and utility easements in developed areas. MJM seeks "full" facilities-based authority for these activities, which may include, among

³ See, e.g., D.06-01-006.

other things:

- (1) Installation of or replacement of a limited number of new poles in existing rights-of-way and utility easements for the attachment of its fiber (“new pole installation”);
- (2) Small-scale trenching (at a typical depth of 1-3 feet and typical width of 1-6 inches) and installation of underground conduit (average diameter of 1-4 inches) in existing rights-of-way and utility easements, typically extending less than 1 mile but in some instances up to 5 miles (“small-scale trenching and underground conduit installation”) (occasionally, a portion of this activity will take place on private property in existing easements); and
- (3) Micro-trenching (sometimes using a directional bore method) and installation of small segments of underground conduit in existing rights-of-way to make lateral connections between equipment on a pole and underground fiber runs (“micro-trenching and installation of laterals”).

Although these activities generally fall within an exemption from CEQA, the Commission has routinely required carriers seeking to engage in this type of ground-disturbing construction activity to file a request with Commission staff requesting that the project receive a Notice to Proceed before constructing. This process is described in more detail below in Section VI below.

VI. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE (per Rule 2.4)

Pursuant to CEQA and Rule 2.4, the Commission examines construction projects to determine any potential environmental impacts in order that adverse effects are avoided and environmental quality is restored or enhanced to the fullest extent possible. MJM requests that the Commission authorize it to utilize the expedited twenty-one day CEQA review process

established by the Energy Division (“ED”) staff for review of proposed projects. This expedited process applies to projects that are exempt from the requirements of CEQA.

MJM submits that it is eligible for this expedited process because its projects fall within several categorical exemptions under CEQA. In most instances, MJM will operate by installing equipment in or on existing streetlights, poles, towers, buildings, fiber, conduits, ducts, rights-of-way, trenches and other facilities and structures of other entities. When required to meet customer needs, MJM anticipates the need to undertake relatively minor ground-disturbing activities, including: 1) micro trenching, trenching or boring for the installation of underground conduit for fiber or power; 2) installation of fiber cable in new or existing conduit, and/or on utility poles; and 3) installation of underground access points such as vaults or hand holes. These activities will take place in existing ROW and utility easements in developed suburban areas where previous ground-disturbing activities have taken place. The majority of such construction will take place inside public rights of way, but occasionally, a portion of this activity will take place on private property through easements granted by the owners.

MJM submits that these types of construction activities fall within the classes of projects that are exempt from CEQA, and for which neither an Environmental Impact Report nor a Negative Declaration is required. Such exemptions include but are not limited to the following:

- CEQA Guidelines § 15303: Class 3 (d) and 3 (e) apply to construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
- CEQA Guidelines § 15304: Class 4 (a), 4 (c), and 4 (f) applies to minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes, and the filling of earth into previously excavated land with material compatible with the natural features of the site, and minor trenching and backfilling where the surface is restored.

- CEQA Guidelines § 15332: Class 32 (a) – (e) applies to small scale in-fill development that meets specified criteria.

The Commission has previously held that similar activities of other carriers are categorically exempt from CEQA, and therefore qualify for the expedited twenty-one day review process. The Commission has already permitted at least twelve of MJM’s competitors to use the twenty-one day expedited process for CEQA review. Those carriers are: Clearlinx Network Corporation, CA-CLEC, LLC, New Path Networks, LLC, Sunesys, Inc., NextG Networks of California, Inc., Broadband Associates International, Trillion Partners, Inc., AboveNet Communications, Inc., Freedom Telecommunications, Inc., SnowCrest Telephone, Inc., Mobilite, LLC, 360networks USA, Inc., OACYS Telecom, Inc. and Cruzio Media, Inc.⁴ MJM is similarly situated to these other carriers with respect to the type of construction that is proposed, and it respectfully submits that it should be authorized to use the same expedited CEQA review process.

Similar to the procedure discussed and approved in D.13-02-010 (*Impulse Telecom, LLC*), MJM proposes that for each project it first would determine that no exceptions to the categorical exemptions apply to the project. Consistent with such a determination, MJM then would submit information to the Commission’s CEQA staff in the Energy Division that:

- describes the proposed project including the environmental setting;
- describes the proposed construction plan;
- lists the CEQA exemption(s) that apply to the project; and
- provides the documentation and factual support necessary to support a finding of

⁴ See D.06-04-063 (Clearlinx Network Corporation – now operating as ExteNet Systems (California) LLC), D.06-04-067 (CA-CLEC, LLC); D.06-04-030 (New Path Networks, LLC); D.06-06-047 (Sunesys, Inc.); D.07-04-045 (NextG Networks of California, Inc.); D.07-08-026 (Broadband Associates International); D.07-11-028 (Trillion Partners, Inc.); D.08-04-048 (AboveNet Communications, Inc.); D.09-11-021 (Freedom Telecommunications); D.10-01-014 (Pacific Lightwave); D.10-04-038 (SnowCrest Telephone, Inc.); D.10-12-004 (Mobilite, LLC); D. 06-04-020 (360networks (USA), Inc.); D.15-09-008 (OACYS Telecom, Inc.); and D.15-09-007 (Cruzio Media, Inc.).

categorical exemption.

The CEQA staff would review the submission and within 21 days from the date of the submission issue either (1) a Notice to Proceed and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research or (2) a letter of denial stating the specific reasons why the claimed exemption(s) are not applicable to the proposed project. If CEQA staff denies the proposed project, MJM could discuss with the staff the reason for the denial and, if possible, provide additional information and/or modify the project so that it would be categorically exempt. If the need arises for MJM to engage in construction that is not exempt from CEQA, it will file the necessary application to obtain CEQA review and approval from the Commission prior to engaging in such activities.

VII. NAMES OF COMPETITORS AND NAMES OF COUNTIES (per Rule 3.1(b))

Rule 3.1(b) requires full facilities-based applicants to “provide the names and addresses of all utilities, corporations, persons or other entities, whether publicly or privately operated, with which the proposed construction is likely to compete, and of the cities or counties within which service will be rendered in the exercise of the requested certificate.” However, MJM notes that pursuant to D.97-06-107, issued in Commission Proceeding R.94-02-003/I.94-02-004, CLCs no longer are required to comply with Rule 3.1(b) (formerly Rule 18 (b) and General Order 96-a, subsections (G)(1) and (2)). Thus, MJM has not mailed its application to all potential competitors and counties. MJM will, however, provide a copy of its application upon request to potential competitors and counties.

VIII. AREAS OF SERVICE (MAPS) (per Rule 3.1(c))

Applicant seeks authority to offer interexchange services statewide. Applicant seeks to provide full facilities-based and resold local exchange services in all AT&T California, Frontier Communications, and Consolidated Communications incumbent local exchanges. A map is attached as Exhibit B.

IX. IDENTIFICATION OF REQUIRED FRANCHISES, HEALTH AND SAFETY PERMITS (per Rule 3.1(d))

Applicant Pursuant to D.97-06-107, issued in Commission Proceeding R.94-02-003/ I.94-02-004, competitive local exchange carriers (“CLCs”) are exempt from the requirements of this rule and General Order 96-A, subsections (G)(1) and (2). Thus, MJM has not mailed its application to all potential competitors and counties. MJM will, however, provide a copy of its public application upon request to potential competitors and counties.

X. FACTS SHOWING PUBLIC CONVENIENCE AND NECESSITY (per Rule 3.1(e))

MJM began providing fixed wireless internet service to underserved areas of Riverside county in 2016. MJM has expanded to provide services to customers in the Temecula Valley, Murrieta, Hemet, Sage, and Winchester. MJM (doing business as Accel Wireless) remains the only option for broadband internet access in a wide swath of its service area. MJM routinely upgrades its network to provide the best speeds and performance available in its service areas. MJM uses environmentally friendly methods to provide its services including solar-powered towers and advanced clean energy batteries. MJM is a partner in the communities it serves providing local customer service and technical support. MJM intends to use a CPCN to expand

its services and more directly compete with incumbent telephone companies and cable companies. For more information, please see accelwireless.com.

The Commission has determined that the public interest would be served by ensuring competition in the local exchange, intraLATA toll, interLATA, and broadband Internet markets. Through obtaining full facilities-based authorization, MJM will be able to engage in additional fiber-fed projects to compete with the incumbent LECs, other competitive local carriers, cable companies, and other providers of broadband services by providing fairly-priced gigabit speed, innovative data services in addition to its current suite of communications and data networking services. MJM's facilities-based entry into the market will offer an additional, attractive choice to California consumers, and will make available additional technologically-advanced communications facilities in the state. Further, its services will aid the expansion of the telecommunications industry in California and promote attendant employment opportunities for California citizens.

XI. ESTIMATED COST OF CONSTRUCTION, ANNUAL FIXED AND OPERATING COSTS AND ECONOMIC FEASIBILITY (per Rule 3.1(f))

MJM will rely at least in part on existing poles, buildings, fiber, conduits, ducts, rights-of-way and other facilities and structures of telecommunications carriers, utilities, and municipalities. As a result, the estimated cost of construction related is expected to be moderate. MJM's annual fixed and operating costs are expected to be fully within the financial resources currently available to MJM, through existing financing, procurement of additional financing and anticipated revenues. MJM will secure financing through investments in the company and by future revenues generated by its provision of services.

XII. FINANCIAL STATEMENTS AND ABILITY TO FINANCE (per Rules 3.1(g) and 2.3)

MJM is financially qualified to offer the telecommunications services for which authority is sought. Applicant's financial statements attached as confidential Exhibit C clearly show that the company is financially capable of offering full facilities-based services in California. Consistent with D.95-12-056 (Appendix C) – Financial requirements for Competitive LECs; D.91-10-041/ D.93-05-010 – Financial Requirement for Non-dominant Interexchange Carriers,⁵ MJM holds more than \$100,000 in cash or cash equivalents to meet Applicant's start-up expenses, particularly, the cost of the proposed fiber construction. In some cases, commercial buildings also will assist with financing of fiber builds to bring the necessary facilities to their customers. MJM expects that if it needs to make deposits in order to establish services with its underlying carriers, such deposits should not exceed \$10,000 per incumbent carrier. MJM will be able to make such deposits without difficulty. Upon receipt of its CPCN, MJM will obtain a performance bond consistent with the Commission's requirements set forth in D.13-05-035.

XIII. PROPOSED RATES (per Rule 3.1 (h))

MJM requests a waiver for its services to be offered on a non-tariffed basis consistent with Commission decisions relieving CLCs of tariffing requirements. MJM requests authorization to provide service on a detariffed basis to the extent permitted under Industry Rule 5 of General Order 96-B. Consistent with D.07-09-018, the Commission has granted detariffing to CLECs seeking CPCNs that did not offer residential basic service.⁸ MJM will provide information regarding the rates, terms and conditions of its services on its website. MJM will

⁵ See Appendix A, page 4, B(1). ftp://ftp.cpuc.ca.gov/gopher-data/telecom/clc_documents/D9507054complete.pdf at page 55.

comply with the Consumer Protection Rules adopted in Decision 98-08-031 and will collect and remit all applicable end-user surcharges and fees.

XIV. STATEMENT OF MATERIAL INTERESTS UNDER GENERAL ORDER 104-A

There are no matters to be reported under General Order 104-A. MJM has no stock that is traded on a national securities exchange, and its stock is not registered with the Securities and Exchange Commission. Further, MJM states that none of its officers, directors, or stockholders, whether record or beneficial owners of stock, have a material financial interest (as that term is defined in Section 2 of G.O. 104-A) in any transaction involving the purchase of materials or equipment, or the contracting, arranging or paying for construction, maintenance, or service for or on behalf of Applicant.

XV. CUSTOMER BASE (per Rule 3.1(j))

Attached hereto as Exhibit D is an estimate of the number of customers MJM intends to serve in the first through sixth years of operation.

XVI. TECHNICAL AND MANAGERIAL COMPETENCE (per D.95-12-, Appendix C, D. 13-05-035, and per Rule. 4(a)]

Attached as Exhibit E are biographies resumes for Applicant's directors, officers, and key operations personnel. These resumes demonstrate extensive experience and expertise in the telecommunications industry, thereby clearly showing Applicant is fully capable of carrying out the proposed operations.

To the best of MJM's knowledge, within the last five years, neither MJM, nor any of its affiliates, officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of applicant, or anyone acting in a management capacity for applicant have: (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been (to his/her knowledge) the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of sections 17000 *et seq.*, 17200 *et seq.*, or 17500 *et seq.* of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; or (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.

To the best of MJM's knowledge, within the last five years, neither MJM, any affiliate, officer, director, partner, nor owner of more than 10% of applicant, or any person acting in such capacity whether or not formally appointed, is being or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

XVII. REQUEST FOR EXEMPTIONS

Applicant requests that it be accorded the same streamlined regulatory treatment previously accorded to other CLECs as a non-dominant interexchange carrier as set forth in D.96-02-075 and as adopted by NDIECs, including the following:

A. The Applicant seeks exemption from the provisions of PU Code Section 816-830 (pertaining to the issuance of stocks and securities) and PU Code Section 851 (pertaining to the transfer or encumbrance of utility assets when such transfer or encumbrance is for the purpose of securing debt). The Commission has previously concluded that NDIECs should be exempt from the provisions and requirements of PU Code Sections 816-830 and 851 (insofar as these sections pertain to the issuance of securities and transfer or encumbrance of utility property for purposes of securing debt) in D.85-07-081, D.85-11-044 and D.86-08-057, as confirmed by D.90-09-032. This exemption was extended to CLCs in D.96-02-072, Ordering Paragraph 18.

B. The Applicant may further request that it be exempted from any requirement to maintain its books and records in accordance with the Uniform System of Accounts specified in Title 47 I.E. Part 32 consistent with D.99-02-038, which relieved CLCs that are not part of an ILEC corporate entity from the requirement to keep their books of account in conformance with the Uniform System of Accounts.

XVIII. CONTINUOUS PERFORMANCE BOND

D. 13-05-035 requires new and existing CPCN holders to submit a continuous performance bond in the amount of \$25,000 issued by a corporate surety company authorized to transact surety business in California with the Commission listed as an obligee on the bond. MJM will obtain such bond and submit it to the Commission within five days of obtaining its CPCN.

XVIX. EX PARTE

MJM believes that there is no reasonable basis for a protest to its Application and that hearings would serve no useful purpose. Accordingly, Applicant requests that its Application be granted on an ex parte basis.

XX. EXPEDITED TREATMENT

Expedited consideration is warranted because MJM seeks to provide modern bandwidth in areas where such services are currently unavailable. Because there are no other competitive projects under consideration in these areas, no party will be harmed by expedited consideration, including waiver of the public comment period. MJM submits that this matter is non-controversial and administrative in nature. If no protests are filed in this proceeding, MJM respectfully requests that the Commission treat this petition as an uncontested matter and waive the 30-day period for public review and comment of any proposed decision pursuant to Pub. Util. Code § 311(g)(2).

WHEREFORE, MJM requests that the Commission:

- (a) Grant Applicant, on an ex parte, expedited basis, a CPCN to provide full facilities-based and resale local exchange services in the local exchange areas of AT&T California, Frontier Communications, and Consolidated Communications., as well as authority to provide interexchange intraLATA and interLATA telecommunications services throughout California;
- (b) Make the grant effective on the date of issuance;
- (c) Grant such further relief as may be just and reasonable.

March 10, 2020

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kristopher E. Twomey". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Kristopher E. Twomey
Counsel for MJM Telecom Corp.

VERIFICATION

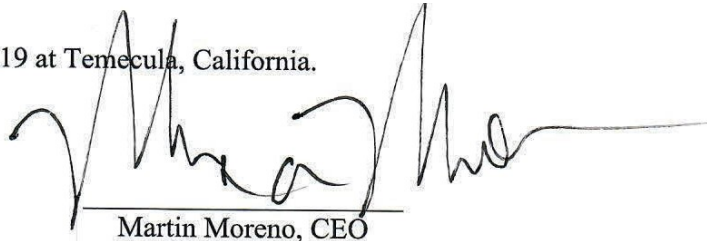
I, Martin Moreno, declare:

I am Chief Executive Officer (CEO) of MJM Inc. ("MJM") doing business as Accel Wireless and make this Verification. My personal knowledge of the facts stated herein has been derived from my employment with MJM. I have read the foregoing Application for a Certificate of Public Convenience and Necessity ("CPCN") for authority to operate as a provider of full facilities-based and resale local exchange telecommunications services in the AT&T California, Frontier Communications, and Consolidated Communications local exchange territories as well as authority to offer interexchange, interLATA, and intraLATA services statewide and know the contents thereof. I affirm that MJM:

- agrees to comply with all federal and state statutes, rules, and regulations and state contractual rules and regulations, if granted the request for a Certificate of Public Convenience and Necessity (CPCN), as stated in this application;
- certifies that all answers to the attached Application for CPCN are true and correct;
- Applicant will operate as a common carrier as defined in Section 153 of the Federal Telecommunications Act of 1996 (Act) and be eligible to interconnect with the public switched telephone network pursuant to Sections 251 and 252 of the Act;
- and if granted a CPCN, Applicant will operate as a telephone corporation as defined in Section 234(a) of the California Public Utilities Code (Code) and obey the Code, and all of the Commission's rules, decisions and orders applicable to telephone corporations.
- in the event Applicant's request for a CPCN is granted, Applicant agrees to post a continuous performance bond equivalent to in the amount of \$25,000 for the first year of operation or 10% of intrastate revenue (for subsequent years), issued by a corporate surety company authorized to transact surety business in California, and with the Commission listed as the obligee on the bond. Further, I will provide a copy of the executed performance bond to the Director of the Communications Division with the written notification to the Commission of acceptance of operating authority.

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

Executed this 13th day of November 2019 at Temecula, California.



Martin Moreno, CEO

**SCOPING MEMO INFORMATION FOR APPROVAL OF
APPLICATION OF MJM INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY AND REQUEST FOR REQUEST FOR EX PARTE RELIEF**

A. Category (Check the category that is most appropriate)

 Adjudicatory - “Adjudicatory” proceedings are: (1) enforcement investigations into possible violations of any provision of statutory law or order or rule of the Commission; and (2) complaints against regulated entities, including those complaints that challenge the accuracy of a bill; but excluding those complaints that challenge the reasonableness of rates or charges, past, present, or future.

 ✓ **Ratesetting** - “Ratesetting” proceedings are proceedings in which the Commission sets or investigates rates for a specifically named utility (or utilities), or establishes a mechanism that in turn sets the rates for a specifically named utility (or utilities). “Ratesetting” proceedings include complaints that challenge the reasonableness of rates or charges, past, present or future. Other proceedings may also be categorized as ratesetting when they do not clearly fit into one category.

 Quasi-Legislative - “Quasi-legislative” proceedings are proceedings that establish policy or rules including generic ratemaking policy or rules) affecting a class of regulated entities, including those proceedings in which the Commission investigates rates or practices for an entire regulated industry or class of entities within the industry.

B. Are hearings necessary? ~~Yes~~ ☒ **No**

If yes, identify the material disputed factual issues on which hearings should be held, and the general nature of the evidence to be introduced.

Are public witness hearings necessary? ~~Yes~~ ☒ **No**

Public witness hearings are set up for the purpose of getting input from the general public and any entity that will not be a party to the proceeding. Such input usually involves presenting written or oral statements to the presiding officer, not sworn testimony. Public witness statements are not subject to cross-examination.

C. Issues - List here the specific issues that need to be addressed in the proceeding.

Granting of Certificate of Public Convenience and Necessity to MJM Inc. to operate as a full facilities-based and resold local exchange provider of IntraLATA and InterLATA Interexchange Telephone Service in California.

D. Schedule (Even if you checked “No” in B above) Should the Commission decide to hold hearings, indicate here the proposed schedule for completing the proceeding within 12 months (if categorized as adjudicatory) or 18 months (if categorized as rate-setting or quasi-legislative)

Applicant submits that this matter is not controversial, and that there is no need for hearings. Applicant believes that a decision on the Application can be made within 90 days, as is the case with most non-controversial CPCN applications.

